

**REMARKS/ARGUMENTS**

Applicants respectfully request entry of the present amendment and reconsideration of the present application. This amendment is submitted to present the claims in better form for reconsideration by the Examiner.

Reconsideration of the present application as amended is respectfully requested.

Claims 1-7 and 10-15 remain in this application. Claims 3, 7 and 10-15 have been allowed. Claims 8 and 9 have been canceled, and Claim 16 has been canceled by this Amendment, without prejudice. Claims 1 and 4 have been amended by this Amendment.

In the Office action the Examiner maintained her rejection of Claims 1, 2 and 4-6 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,479,065 (Sugimoto).

The Examiner noted in the Office action that the term "consisting essentially of" included the listed ingredients and is open to unlisted ingredients that do not materially affect the basic and novel properties of the invention. The other additives disclosed in Sugimoto were considered to be known additives in the art that do not materially affect the

fill. Sugimoto was considered to disclose a filling further consisting essentially of an alkali metal halide with at least one alkali ion and at least one halide ion, the alkali ion being chosen from potassium, rubidium and cesium and the halide ion being chosen from chlorine, bromine and iodine as claimed in Claim 1.

Applicant respectfully requests reconsideration of this rejection of Claim 1 and the rejection of Claim 4 for the same reason.

Applicant respectfully submits that the basic and novel properties of the present invention as recited in Claims 1 and 4 would be materially affected by the presence of at least one ingredient present in the lamp fill of Sugimoto - the rare earth element dysprosium. The specification of present invention provides at page 4, lines 17-23, a clear indication of the basic and novel characteristics (MPEP §2111.03) of the claimed invention (recited in Claims 1 and 4 as amended):

It is to be noted that the use of rare earth halides in a high-pressure gas discharge lamp with a quartz glass lamp vessel is known inter alia from EP-A2-0 605 248. Rare earth halides are understood to be the halides of the elements with

atom numbers 21, 39, and 57 to 71. The rare earth halides, however, are comparatively expensive and react comparatively readily with the quartz glass lamp vessel. As a result, a lamp having a rare earth halide in its filling also has the disadvantage of a fast corrosion and crystallization of the quartz glass lamp vessel.

Claims 1 and 4 have been amended, for clarity, by adding the recitation "..., whereby rare earth halides are excluded from the filling."

Col. 1, lines 37-41 of Sugimoto discloses dysprosium iodide as a metal halide additive to the fill of metal halide discharge lamps. Table 1 and Table 2 further disclose dysprosium bromine and dysprosium iodine as metal halide components of the fill of the lamp of Sugimoto.

Applicant respectfully submits that Sugimoto nowhere discloses or suggests a filling further consisting essentially of an alkali metal halide with an alkali ion chosen from the group formed by potassium, rubidium, and cesium, and a halide ion being chosen from the group formed by chlorine, bromine, and iodine, as recited in Claim 1, or a filling further consisting essentially of an alkali metal halide with an alkali ion chosen from the group formed by

potassium, rubidium, and cesium, and a halide ion which is bromine, as recited in Claim 4.

Applicant further respectfully submits that Claims 1 and 4 are patentable and that Claims 2, 5 and 6, which depend from Claim 1 are patentable at least based on their dependency.

In view of the above, it is respectfully submitted that the present application is in condition for allowance, and a Notice of Allowance is earnestly solicited.

If any informalities remain, the Examiner is requested to telephone the undersigned in order to expedite allowance.

Please charge any fee deficiencies and credit any overpayments to Deposit Account No. 14-1270.

Respectfully submitted,

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August 19, 2004